



## WESTFIELD-WASHINGTON

### BOARD OF ZONING APPEALS

August 10, 2010

1007-VS-04

Exhibit 1

<b>PETITION NUMBER:</b>	1007-VS-04
<b>SUBJECT SITE ADDRESS:</b>	800 Sycamore Street
<b>APPELLANT:</b>	Montessori School, William Lyman
<b>REQUEST:</b>	1). WC 16.06.060 B; Reduction of western buffer yard from 40 feet to 5 feet; 2). WC 16.04.060, C; Reduction of eastern buffer yard shrub requirement from 72 to 0 evergreen shrubs; 3). Amendment to Variance Case 0404-VS-05 to modify a condition regarding site access.
<b>CURRENT ZONING:</b>	LB
<b>CURRENT LAND USE:</b>	Private School
<b>APPROXIMATE ACREAGE:</b>	3.0 acres
<b>EXHIBITS:</b>	1. Staff Report 2. Aerial Location Map 3. 0404-VS-006; Staff Report, BZA Minutes, Letter of Grant 4. Appellant's Application and Plans
<b>STAFF REVIEWER:</b>	Kevin M. Todd, AICP

### **PETITION HISTORY**

This petition will receive a public hearing at the August 10, 2010 Board of Zoning Appeals meeting.

### **ANALYSIS**

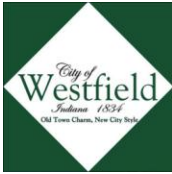
The subject property is used as a private school and is located between the eastern terminus of Sycamore Street and the Willow Creek Subdivision (the "Property"). The Property is located in the Local Business (LB) District and private schools are a permitted use. The Appellant is requesting relief from two buffer yard standards and a previous condition of a various approval in order to construct a new 1,200 square foot building addition.

#### **Western Buffer Yard Width**

The buffer yard requirement for the western buffer yard is forty (40) feet because the school property abuts residential to the west (WC 16.06.060, B). The existing site layout does not meet this standard because a portion of the drop-off/pick-up canopy is located within the required buffer yard. Approving a reduction would bring the existing site plan into compliance with the buffer yard width requirements. The Board should determine if a reduction to five (5) feet is necessary when a reduction to thirty (30) feet would sufficiently remove the structure from the buffer yard.

#### **Eastern Buffer Yard Plantings**

The buffer yard standards require the planting of evergreen shrubs in buffer yards. The eastern half of the Property is heavily wooded. The Landscaping Standards allow for wooded areas to count towards tree planting requirements in buffer yards, but not shrubs. The Appellant would likely have to clear mature trees from the existing wooded area to accommodate the evergreen shrub requirement for the eastern buffer yard plantings. The Board should determine if doing so would be a necessary and good use of a natural resource.



### Site Access Condition of Approval

In 2004, the Appellant received two variances of standard for the Property. One was to reduce the minimum lot size requirement (0404-VS-005) and the other was to reduce the minimum road frontage requirement (0404-VS-006). Both requests were approved. During the consideration of 0404-VS-006 (the "Road Frontage Variance"), both the planning staff and the Board members expressed concerns regarding site accessibility and traffic circulation as a result of the building expansion that was being proposed at the time. Of specific concern was in regards to increased traffic that could be created on Sycamore Street, a residential street. As a result, the Road Frontage Variance was approved with the condition that "future additions to the site (excluding the current proposed 2,400 square foot addition as outlined in 0403-DP-011 and 0403-SIT-008) shall not be made until an additional access is created from the site" (the "2004 Condition"). This condition was agreed to by the Montessori School's representative at the April 19, 2004 BZA meeting. An additional access has not been created for the site.

As depicted on the Aerial Location Map (Exhibit 2), the Property is served by one street, Sycamore Street, and is not adjacent to another means of access. The Appellant does not own or control adjacent property. The request is to amend the condition that was placed on future expansion projects. The Board would need to determine if the 2004 Condition is still applicable in the current situation.

### PROCEDURAL

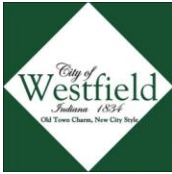
The Board of Zoning Appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the underlying zoning ordinance. A variance may be approved under Ind. Code 36-7-4-918.5 only upon a determination in writing that:

### STANDARDS FOR VARIANCE REQUEST

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community:

#### **Findings:**

- Western Buffer Yard Width – A reduction in this buffer yard would not be injurious to the public health, safety, morals, and general welfare of the community. Approving this variance request would not change either the existing or proposed conditions of the Property, as it relates to its neighbors to the west. A buffer yard would still remain, leaving space to provide the required plantings and screening.
- Eastern Buffer Yard Plantings – A reduction in the number of shrub plantings for the eastern buffer yard would not be injurious to the public health, safety, morals, and general welfare of the community. The existing wooded area serves as an effective screen for the neighbors to the east.
- Site Access – Amending the previous condition, which requires a second means of access, could be injurious to the public health, safety, morals, and general welfare of the community. In 2004, the planning staff and the BZA expressed concerns with traffic circulation and accessibility when adding more square footage to the school in the future. The Appellant is proposing to add 1,200 square feet to the school, and the BZA should determine if the same concerns exist today. The Westfield Fire Department has indicated that they are satisfied with their current ability to access and serve the Property in the event of an emergency.



2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner:

**Findings:**

- Western Buffer Yard Width – A reduction in this buffer yard would not change either the existing or proposed conditions of the Property, as it relates to its neighbors to the west. A buffer yard would still remain, leaving space to provide the required plantings and screening.
- Eastern Buffer Yard Plantings – A reduction in the number of shrub plantings for the eastern buffer yard would not affect the actual screening of the property to the east. The existing wooded area serves as an effective screen for the eastern property line.
- Site Access – Amending the previous condition, which requires a second means of access, could have a negative impact on the use and value of neighboring properties, especially those along Sycamore Street. The proposed building addition could attract more families to the school, which in turn could increase the amount of school traffic using Sycamore Street, a residential street. Feedback from neighbors during the public hearing should provide insight about the impact on adjacent properties.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property:

**Findings:**

- Western Buffer Yard Width – Strict adherence to the buffer yard width standards would not allow the existing situation, where a portion of the canopy structure is located within the buffer yard. Approving the variance request would bring the existing condition into compliance with this standard.
- Eastern Buffer Yard Plantings – Strict adherence to the buffer yard planting requirements for the eastern buffer yard would likely result in the removal of mature trees from a wooded area in order to make room for new evergreen shrubs.
- Site Access – Strict adherence to the condition that was placed on the Property would not allow the construction of the proposed 1,200 square foot building addition. The Appellant does not own or control adjacent property and does not have additional frontage on a public or private street.

**RECOMMENDATIONS**

1. If the Board determines that the existing site access from Sycamore Street is sufficient for the current proposal, then approve the requests with the condition that the request for the western buffer yard width reduction be amended to read, “Reduction of western buffer yard from 40 feet to 30 feet”.
2. If the Board determines that the existing site access from Sycamore Street is not sufficient for the current proposal, and that an additional means of access is necessary to serve the school property, then deny the requests.

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**KMT**